

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH W. KOLESINSKI AND LILLIAN KOLESINSKI, H/W	: CIVIL ACTION
	:
VS.	:
	:
LARRY AUBREY HALL AND AUSTIN EXPRESS, INC. AND JAY ANGSTADT AND AND JOHN DOES 1-5 (FICTITIOUS NAMES), AND ABC COMPANIES 1-5, (FICTITIOUS NAMES)	: NO. 02-3775

**ANSWER OF DEFENDANT, JAY ANGSTADT
TO PLAINTIFF'S COMPLAINT AND CROSSCLAIM
AGAINST CO-DEFENDANTS**

Answering Defendant, Jay Angstadt, by and through his counsel, Margolis Edelstein and William D. Longo, Esquire hereby respond to the Plaintiffs' Complaint as follows:

1. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 and, therefore, answering defendant denies those allegations and demands strict proof thereof at the time of trial, if relevant.

2. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 and, therefore, answering defendant denies those allegations and demands strict proof thereof at the time of trial, if relevant.

3. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 and, therefore, answering defendant denies those allegations and

demands strict proof thereof at the time of trial, if relevant.

4. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 and, therefore, answering defendant denies those allegations and demands strict proof thereof at the time of trial, if relevant.

5. The averments of this paragraph are admitted.

6. The allegations against the answering defendant in Paragraph 6 are hereby denied. By way of further response, the allegations in Paragraph 6 represent conclusions of law to which no response is required.

WHEREFORE, answering defendant demands judgment in his favor and against all other parties, plus costs of suit.

COUNT I

____7. Answering defendant incorporates by reference the answers to Paragraphs 1 through 6 of the Plaintiff's Complaint as if the same were fully set forth at length herein.

8. The averments in Paragraph 8 are directed to a defendant, other than the answering defendant and, therefore, no response is required. To the extent an answer to Paragraph 8 is required, the allegations in said paragraph are denied.

9. The averments in Paragraph 9 are directed to a defendant, other than the answering defendant and, therefore, no response is required. To the extent an answer to Paragraph 9 is required, the allegations in said paragraph are denied.

10 The averments in Paragraph 10 are directed to a defendant, other than the answering defendant and, therefore, no response is required. To the extent an answer to Paragraph 10 is required, the allegations in said paragraph are denied.

11. The averments in Paragraph 11 are directed to a defendant, other than the answering defendant and, therefore, no response is required. To the extent an answer to Paragraph 11 is required, the allegations in said paragraph are denied.

WHEREFORE, answering defendant demands judgment in his favor and against all other parties, plus costs of suit.

COUNT II

____12. Answering defendant incorporates by reference the answers to Paragraphs 1 through 11 of the Plaintiff's Complaint as if the same were fully set forth at length herein.

13. The averments in Paragraph 13 are directed to a defendant, other than the answering defendant and, therefore, no response is required. To the extent an answer to Paragraph 13 is required, the allegations in said paragraph are denied.

14. The averments in Paragraph 14 are directed to a defendant, other than the answering defendant and, therefore, no response is required. To the extent an answer to Paragraph 14 is required, the allegations in said paragraph are denied.

15. The averments in Paragraph 15 are directed to a defendant, other than the answering defendant and, therefore, no response is required. To the extent an answer to Paragraph 15 is required, the allegations in said paragraph are denied.

16. The averments in Paragraph 16 are directed to a defendant, other than the answering defendant and, therefore, no response is required. To the extent an answer to Paragraph 16 is required, the allegations in said paragraph are denied.

17. The averments in Paragraph 17 are directed to a defendant, other than the answering defendant and, therefore, no response is required. To the extent an answer to Paragraph 17 is required, the allegations in said paragraph are denied.

WHEREFORE, answering defendant demands judgment in his favor and against all other parties, plus costs of suit.

COUNT II

____18. Answering defendant incorporates by reference the answers to Paragraphs 1 through 17 of the Plaintiff's Complaint as if the same were fully set forth at length herein.

19. Denied. The allegations in Paragraph 19 are specifically denied. By way of further answer, the allegations in Paragraph 19 represent conclusions of law to which no response is required.

20. Denied. The allegations in Paragraph 20 are specifically denied. By way of further answer, the allegations in Paragraph 20 represent conclusions of law to which no response is required.

21. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 21 and, therefore, answering defendant denies those allegations and demands strict proof thereof at the time of trial, if relevant.

22. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 22 and, therefore, answering defendant denies those allegations and demands strict proof thereof at the time of trial, if relevant.

WHEREFORE, answering defendant demands judgment in his favor and against all other parties, plus costs of suit.

COUNT IV

____23. Answering defendant incorporates by reference the answers to Paragraphs

1 through 22 of the Plaintiff's Complaint as if the same were fully set forth at length herein.

24. The allegations in Paragraph 24 are denied. By way of further answer, the allegations in Paragraph 24 represent conclusions of law to which no response is required.

25. Denied. After reasonable investigation, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 24 and, therefore, answering defendant denies those allegations and demands strict proof thereof at the time of trial, if relevant.

WHEREFORE, answering defendant demands judgment in his favor and against all other parties, plus costs of suit.

COUNT V

_____26. Answering defendant incorporates by reference the answers to Paragraphs 1 through 25 of the Plaintiff's Complaint as if the same were fully set forth at length herein.

27. Denied as to the answering defendant. By way of further answer, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 27 and, therefore said allegations are denied. By way of further answer, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of Paragraph 27 directed to any of the co-defendants.

28. Denied as to the answering defendant. By way of further answer, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 28 and, therefore said allegations are denied. By

way of further answer, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of Paragraph 28 directed to any of the co-defendants.

29. Denied as to the answering defendant. By way of further answer, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 29 and, therefore said allegations are denied. By way of further answer, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of Paragraph 29 directed to any of the co-defendants.

30. Denied as to the answering defendant. By way of further answer, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 30 and, therefore said allegations are denied. By way of further answer, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of Paragraph 30 directed to any of the co-defendants.

WHEREFORE, answering defendant demands judgment in his favor and against all other parties, plus costs of suit.

COUNT VI

____31. Answering defendant incorporates by reference the answers to Paragraphs 1 through 30 of the Plaintiff's Complaint as if the same were fully set forth at length herein.

32. Denied as to the answering defendant. By way of further answer, the answering defendant is without knowledge or information sufficient to form a belief as to

the truth of the averments in Paragraph 32 and, therefore said allegations are denied. By way of further answer, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of Paragraph 32 directed to any of the co-defendants.

33. Denied as to the answering defendant. By way of further answer, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 33 and, therefore said allegations are denied. By way of further answer, answering defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of Paragraph 33 directed to any of the co-defendants.

34. The allegations in Paragraph 34 are denied as they pertain to the answering defendant.

35. The allegations in Paragraph 35 are denied as they pertain to the answering defendant.

WHEREFORE, answering defendant demands judgment in his favor and against all other parties, plus costs of suit.

FIRST AFFIRMATIVE DEFENSE

_____The plaintiffs' claims are barred and/or limited under the Pennsylvania Motor Vehicle Financial Responsibility Law and/or the New Jersey Motor Vehicle No-fault Statute.

SECOND AFFIRMATIVE DEFENSE

_____The Plaintiffs' Complaint should be dismissed for lack of jurisdiction because the amount in controversy does not exceed \$75,000.00, exclusive of interests and costs.

THIRD AFFIRMATIVE DEFENSE

_____The plaintiffs claims as set forth in the Complaint are barred or limited to the contributory and comparative negligence of the plaintiffs.

FOURTH AFFIRMATIVE DEFENSE

_____The plaintiffs claims as set forth in the Complaint are barred because of voluntary assumption of the risk.

FIFTH AFFIRMATIVE DEFENSE

_____The plaintiffs claims are barred and/or limited by the sudden emergency doctrine.

SIXTH AFFIRMATIVE DEFENSE

_____The plaintiff did not sustain a "serious injury" as defined in the Pennsylvania Motor Vehicle Financial Responsibility Law and/or the New Jersey Motor Vehicle No-fault Statute and, therefore, plaintiff is barred from recovering any non-economic damages.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs claims are due in whole or in part to an act or acts of commission or omission of persons, parties or entities other than the answering defendants and over whom the answering defendants had no control or right of control.

**CROSSCLAIM OF DEFENDANT JAY ANGSTADT
AGAINST DEFENDANTS LARRY AUBREY HALL
AND AUSTIN EXPRESS, INC.**

1. If the plaintiffs suffered injuries and/or damages as alleged in their complaint, said injuries and/or damages being denied herein, then said injuries and damages were caused solely by the negligence, carelessness and/or recklessness of the co-defendants.

WHEREFORE, answering defendant, Jay Angstadt avers that the co-defendants are alone liable or jointly or severally liable or liable over for contribution and/or indemnity

upon the cause of action(s) declared upon by the plaintiffs, all liability on the part of the answering defendant, Jay Angstadt, being expressly denied herein.

MARGOLIS EDELSTEIN

WILLIAM D. LONGO, ESQUIRE
Attorney for Defendant, Jay Angstadt

DATE: